



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: August 4, 2010
Applicant: Vista Palms Car Wash
Case No.: ZAV-10-01
Address: 795 Broadway
Project Planner: Michael W. Walker

Notice is hereby given that on August 4, 2010 the Zoning Administrator considered a Variance application filed by Daniel Ilko, owner of Vista Palms Carwash ("Applicant/Property Owner"), requesting permission to encroach into the 10-foot rear yard setback requirement to locate a storage building associated with a recently approved auto detail center for the existing carwash facility ("Project") located at 795 Broadway ("Project Site"). The property is zone Corridor District – Broadway South (C-2) with a Mixed-use Residential (MUR) General Plan land use designation. The Project is more specifically described as follows:

The Variance allows the encroachment by a storage building, which is part of an auto detail center approved in January 2010, in the 10-foot rear yard setback at the northeast corner of the property; the storage building location was originally proposed in the northeast corner of the lot and outside the required 10-foot rear yard setback. The Applicant has demonstrated that the approved location for the storage building would hinder safe vehicular and pedestrian maneuverability on the site, particularly between the vacuuming station and the future detail center located adjacent and along the east (rear) property line. Granting the Variance will enable the Applicant to operate the carwash and detail center facility in a safe manner, and maintain safe maneuverability and internal circulation.

The Project has been reviewed for compliance with the California Environmental Quality Act and it has been determined that the Project qualifies for a Class 5 categorical exemption pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the State CEQA Guidelines. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.B of the Chula Vista Municipal Code, has conditionally granted said request based upon the following findings of facts as required by CVMC Section 19.14.190:

- 1. That a hardship peculiar to the property and not created by any act of the owner exists. Said hardship may include practical difficulties in developing the property for the needs of the owner consistent with the regulations of the zone.**

The property is zoned C-2 in the Urban Core Specific Plan, which requires a 10-foot rear yard setback for commercial properties that abut an R-1 or R-2 zone. In

this case, the subject property abuts an R-1 zone. The subject property has physical constraints because of its narrow width and the required 10-foot rear yard setback, which limits expansion of the carwash facility, along the full length of the property in comparison to adjacent commercial zoned properties. The Applicant requests a Variance that would allow an 834 square foot storage and trash enclosure building, which is part of a recently approved detail center, to encroach into the required rear yard setback at the northeast corner of the property. The Applicant's justification for the Variance request is based on constraints described below.

The property is developed with a carwash facility that includes a carwash building, which occupies approximately 49 feet of the width of the property, four drive lanes and vehicle vacuum area approximately 60 feet wide and the recently approved detail center, when built, will occupy approximately 20 feet of the property's width. The detail center will be built along the east property line and outside the 10-foot setback. However, the storage building, if it remains at the approved location, would prevent safe vehicular and pedestrian maneuverability from the vacuum area to the detail center, causing unsafe internal circulation for vehicles and pedestrians using the carwash and/or detail center, and creating the potential for vehicle cueing onto K Street and Broadway. Relocating the storage building into the northeast corner and in the 10-foot setback will allow safe vehicular maneuverability and pedestrian circulation and minimize or prevent the aforementioned impacts.

2. **That such a variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning districts and in the same vicinity, and that a variance, if granted would not constitute a special privilege of the recipient not enjoyed by his neighbors.**

The Variance will allow the construction of the storage building in the required 10-foot rear yard setback at the northeast corner of the property. This would enable safe operation of the carwash and detail center business while minimizing potential traffic congestion caused by vehicles stacking on the streets at the point of entry to the carwash, and maintain safe internal circulation for pedestrians and vehicles. Granting the Variance would not provide a special privilege because the Applicant has demonstrated there are existing conditions that hinder his ability to expand the business, and that there are other commercial uses along Broadway with structures that encroach into the required rear yard setback.

3. **That the authorizing of such variance will not be of substantial detriment to the adjacent property and will not materially impair the purposes of this chapter or public interest.**

Granting of this Variance will not be a substantial detriment to adjacent properties because it does not change the carwash use on the property, and will remain consistent with other commercial uses in the Urban Core (UC-7) zone regarding

height, setbacks and parking requirements. In addition, there will be no physical impairment to abutting and adjacent properties created by the Variance. The overall existing physical condition of the property will be maintained, and the storage building would not further impact adjacent properties. Furthermore, the owner has provided letters from adjacent residents, most affected by the storage building's encroachment, stating their support for the Variance.

4. That the granting of this variance will not adversely affect the General Plan of the City or the adopted plan of any government agency.

Granting of this Variance will not affect the City's General Plan because the storage building encroachment into the required rear yard setback will not affect the character of the property or surrounding neighborhood. The Variance, as proposed, would be in keeping with the implementation of the General Plan vision for stabilizing commercial uses.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Variance application ZAV-10-01 as described above subject to the following conditions:

1. The Project Site shall be developed and maintained in accordance with the ZAV-10-01 approved plans dated August 4, 2010, which include site plan, floor plan and elevations on file in the Planning Division, the conditions contained herein, and Title 19.
2. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Variance.
3. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

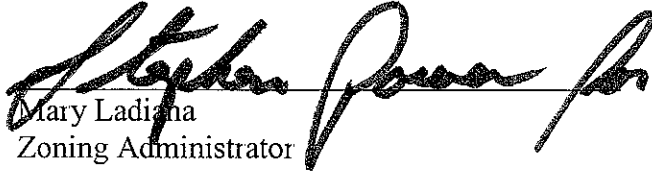
Signature of Applicant/Authorized Representative

Date

Signature of Property Owner/representative

Date

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 4th day of August 2010.


Mary Ladiana
Zoning Administrator